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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/689,255	10/20/2003	David Gavin Hunter	DGH0001	3861

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EXAMINER

DAVIS, CASSANDRA HOPE

ART UNIT PAPER NUMBER

3611

DATE MAILED: 11/26/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/689,255

Applicant(s)

HUNTER, DAVID GAVIN

Examiner

Cassandra Davis

Art Unit

3611

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 10 August 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 13-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 13,15 and 17-21 is/are rejected.
- 7) ☒ Claim(s) 14 and 16 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 13, 15, 17-18 are rejected under 35 U.S.C. 102(b) as being anticipated by Dubbels, U. S. Patent 3,494,322.

Dubbels teaches a card comprising: a) a planar stock 2 folded to form three panels. The fold over panel 2 is folded at fold line 3' from the bottom portion and the bottom portion is folded along a bottom edge to form two panels best seen in figures 4 and 5. The stock 2 has an exterior surfaces ( the visible lower portion with calendar indicia seen in figure 2) and an interior surfaces ( the visible fold over portion seen in figure 2), wherein the interior surfaces are those surfaces that are covered as a result of the substantially planar stock being folded. (Figures 4 and 5). Dubbels also teaches indicia in the form of alphanumeric calendar indicia having images and text. In addition, Dubbels teaches cellular bubble material 12 containing burstable gas filled bubbles that is affixed to the substantially planar stock as an integral feature of the indicia, wherein the indicia makes up part of the calendar and wherein the bubble inherently contains.

With respect to claim 15, Dubbels the cellular bubble material 12 is affixed to the interior surfaces of the folded substantially planar stock.

With respect to claims 17 and 18, the calendar card 5 has a plurality of openings are shaped and situated such that when the card is folded, the burstable bubbles fit into the openings and protrude through the exterior surface of the greeting card.

3. Claims 19 is rejected under 35 U.S.C. 102(b) as being anticipated by Kannankerl et al., US 20030161999A1.

Kannankerl et al. teaches cellular bubble material, containing burstable gas filled bubbles, one layer of the bubble material being substantially planar and one layer of the cellular bubble material being bubbled, wherein the substantially planar layer is stiff. (See paragraph 0042).

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 20-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kannankerl in view of Arnold, U. S. Patent 5,681,203. Arnold teaches a bubble material that is folded so as to bring the substantially planar layer of the cellular bubble material into contact and to bring said bubbled layer of the cellular bubble material into contact. (See figure 3). It would have been obvious to one having ordinary skill in the art the time this invention was made to construct the bubble material taught by Kannankerl foldable as taught by Arnold to provide a means collapse the bubble material.

***Allowable Subject Matter***

6. Claims 14 and 16 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Response to Arguments***

7. Applicant's arguments filed August 10, 2004 have been fully considered but they are not persuasive. With respect to claims 13, 15, 17-18, the applicant argues that claims 13 teaches a pliable thin gas impermeable material such as plastic sheeting containing gas but not any object such as a pill. In addition, the applicant argues that the when the bubble structure is squeezed the gas within the bubble is compressed thereby rupturing the bubble with an audible pop. The applicant further argues that Dubbels does not teach the bubbles as an integral element of the drawings, images, or text.

8. The examiner contends that claims 13 does not recite the bubble material is made of a gas impermeable material such as plastic sheeting. The applicant merely recites that the card contains cellular bubble material, containing burstable gas filled bubbles.

9. In addition, the bubbles taught by Dubbels contain at least air as an inherent feature. Because the bubbles taught by Dubbels contain pills therein, does not prevent the bubble from containing gas such as air.

10. The examiner further contends that the bubbles making an audible pop when burst has not been given patentable weight because this feature is not claimed.

***Conclusion***


11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cassandra Davis whose telephone number is 703-308-2223. The examiner can normally be reached on Monday-Friday 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lesley Morris can be reached on 703-308-0629. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Cassandra Davis  
Primary Examiner  
Art Unit 3611

CD  
November 1, 2004